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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 February 1991, at 3 p.m.

Chairman: Mr. VASILENKO (Ukrainian SSR)

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The meeting was called to order at 3.20 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1991/9 and 10; A/45/615)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/Sub.2/1990/13 and Add. 1)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 15) (continued) (E/CN.4/1991/40 and Add.1-2, 41 and 42; A/RES/45/90)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 16) (continued) (E/CN.4/1991/43 and 45)

1. Mr. CHADHA (India) said that the historic Declaration on Apartheid and Its Destructive Consequences in Southern Africa adopted by the General Assembly a year previously had encouraged the people of South Africa in their efforts to bring about a peaceful transition in their country through the eradication of apartheid and the establishment of a non-racial, democratic society. The Declaration had set out the conditions necessary for the creation of a climate of negotiations and outlined guidelines for negotiations as well as the fundamental principles on which the constitutional order of the new South Africa was to be based. The Declaration had sent a clear signal to Pretoria that the need to eradicate apartheid was internationally recognized and accepted.

2. The South African Government, sensing the winds of change perhaps and realizing the anachronism of apartheid, had in the past year taken some steps in the right direction, including the release of Nelson Mandela and some other political prisoners and the lifting of the state of emergency in the country. His delegation welcomed those steps as an expression of the South African Government's recognition that apartheid was unjust and needed to be eliminated. It also welcomed the recent announcement by the Government that it intended to scrap the remaining laws on which apartheid was based, including the Lands Act, the Group Areas Act, the Black Communities Act and the Population Registration Act.

3. However, while the steps taken by the South African Government and its promise of further steps were significant, much more needed to be done before apartheid vanished. Those who believed that the changes that had taken place warranted a lenient approach to the issue of sanctions might be reminded of the thousands of political prisoners who continued to languish in gaol, the plethora of restrictive laws which gave the ruling authorities wide-ranging powers to curtail freedom of assembly and prohibit political gatherings, and the repressive legislation that still remained in force.

4. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1991/10) showed that, despite the good intentions of President De Klerk, injustice, inhumanity and brutality continued to

dominate the day-to-day life of the majority of the people of South Africa. The Working Group had also observed that State organs had been unable and sometimes unwilling to take sufficient steps to control the situation, thereby undermining the desired environment for confidence-building between the white minority Government and the black majority. Despite what might be described as positive developments, a number of acts of violence had been committed either with the complicity of the police or involving members of the security forces or other whites, the blame for which had been placed on clashes between elements of the black population.

5. The recommendations in paragraph 262 of the report should be seriously implemented. Until such time as the South African Government had actually abrogated the apartheid laws, released political prisoners and allowed the unhindered return of political exiles, the international community should not slacken its pressure on that Government and such pressure included sanctions. The Commission should ask the South African Government to authorize the Working Group to visit South Africa in order to investigate the human rights situation in that country, as recommended by the Group itself.

6. The changes that had taken place in South Africa resulted primarily from the valiant struggle being waged by the people of South Africa. At the same time, those developments also constituted evidence of the effectiveness of international pressure on the Government. There was consequently an urgent need for continued vigil and caution.

7. Recalling the fact that Mahatma Gandhi had been the first to raise the banner of revolt against apartheid and that it was at the initiative of his delegation that apartheid had first been inscribed on the agenda of the United Nations, he said that the demise of apartheid would bring particular happiness and satisfaction to the people of his country. India remained fully committed to the just cause of the oppressed people in South Africa and continued to provide moral and material support to them in their struggle. In that connection, he reaffirmed his Government's continued solidarity with the people of South Africa in their campaign for the elimination of apartheid and the establishment of majority rule on the basis of universal suffrage, under a non-racial voters' roll and by secret ballot, in a united and non-fragmented South Africa.

8. With regard to agenda item 16, he said that, while apartheid was perhaps the most glaring and obnoxious manifestation of racism, it was not the only one and that racism and racial discrimination existed in other societies as well. In that regard, his delegation commended the study prepared by Mr. Eide, Special Rapporteur on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8 and Add.1). It supported the view expressed in the report that the United Nations should co-ordinate its responses to the different forms of racial discrimination, and that international pressure was an important weapon in confronting that evil.

9. Attention must also be given to other situations where racial discrimination had surfaced and needed to be confronted, such as that in Fiji, where a constitution imposed by an illegal régime had institutionalized racial discrimination. The international community should impress upon the Suva régime that its undemocratic and racially discriminatory policies were unacceptable.

10. Given the new forms of racism, it was unfortunate that the activities in the United Nations system aimed at the elimination of racial discrimination were hampered by lack of funds, and that meetings of the Committee on the Elimination of Racial Discrimination were sometimes cancelled on that account.

11. Mr. ROA KOURI (Cuba) said that, despite the fact that the Commission had played an important role in bringing about the universal condemnation of the inhuman and brutal system of apartheid, the South African régime continued to reject the basic provisions of the Universal Declaration of Human Rights, and to defy the expressed will of the General Assembly and other bodies of the United Nations system. Apartheid could not have continued to exist over the years without the political and military support given to Pretoria by well-known capitalist Powers and the huge investments made by major corporations, which were responsible, together with the South African racists, for the exploitation of the black population of South Africa and the plunder of the natural resources of Namibia.

12. Cuba was deeply committed to the cause of the South African people, had unequivocally condemned the policy of apartheid, and continued to support fully the efforts of the international community to eradicate that odious system. It welcomed the release of Nelson Mandela and the lifting of the ban on the African National Congress (ANC) and other organizations. His delegation had taken due note of the statements made by President De Klerk in the racist Parliament concerning the elimination of a number of laws that supported the apartheid system, but was aware that much remained to done before every aspect of the system disappeared.

13. The report of the Working Group (E/CN.4/1991/10) revealed that the black majority in South Africa continued to be denied its rights and that, despite the good intentions of President De Klerk, injustice, inhumanity and brutality continued to dominate the day-to-day lives of those people. Despite the agreement between President De Klerk and Nelson Mandela, the militant "Mac" Maharaj had been detained and tortured, acts which violated the joint undertaking aimed at putting an end to the climate of violence and intimidation prevailing in the country.

14. Furthermore, to restore peace and public order, it was essential to lift the state of emergency that had been in existence since October 1990 in Bophuthatswara as well as the curfew imposed upon the black townships of Tokoza, Vosloorus and Kathlehang to the south-east of Johannesburg. It was also important to put an end to the excessive powers of the police, which could detain people without charge and hold them in prison for long periods. In that connection, he stressed the need to identify the murderers of the anti-apartheid activists David Webster and Anton Lubowski.

15. Consequently, the Working Group said that the situation in South Africa remained unchanged or had even become worse than before and that there were contradictions in the attitude of the Government. The Working Group's conclusions and recommendations were, he thought, the result of an objective analysis of the South African reality and the international community should continue to examine the violations of human rights by the racist authorities. The continuing situation in South Africa was sufficient reason for the Commission to renew the Working Group's mandate.

16. In paragraphs 52 to 60 of the report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa (E/CN.4/Sub.2/1990/13 and Add.1), the Special Rapporteur pointed out, inter alia, that the responses of the South African Government to economic sanctions had revealed some of the loopholes and shortcomings in the measures currently in force. His delegation commended the Special Rapporteur's work and reiterated its support for Economic and Social Council resolution 1990/70, which condemned those transnational corporations that continued to collaborate with the Pretoria régime, contrary to the United Nations resolutions and world public opinion.

17. His country maintained no diplomatic, economic, financial, military or other relations with the racist régime and his Government considered that political and diplomatic isolation and economic sanctions constituted an important deterrent for those persons who were trying to resist the inexorable march of history.

18. Reiterating his delegation's support for the activities of the Second Decade to Combat Racism and Racial Discrimination, he said that the Programme of Action contained specific measures in various fields to ensure the effectiveness of the provisions aimed at eliminating racism, racial discrimination and apartheid at the national, regional and international levels. He stressed the need to give firm support to the national liberation movements in the struggle to eradicate apartheid and establish a majority Government.

19. Racist and discriminatory practices were not, however, confined to any single region or country and it was therefore necessary for the Commission to pay attention to the resurgence in some cases and recrudescence in others of racist, discriminatory, intolerant and chauvinist attitudes and practices, to the detriment of the most cherished values of civilization and the fundamental rights of the human person.

20. It was, of course, a source of deep satisfaction for the Cuban revolutionaries that they had put an end to the economic, political, legal, cultural and social foundations that had given rise in the past to various forms of racial discrimination in his country caused, on the one hand, by colonial domination and, on the other, by the semi-colonial and dependent structure of the pseudo-Republic in the service of imperialism.

21. It was significant, on the other hand, that the dream for which Martin Luther King had died, and which was currently condemned by the apologists of white supremacy who were resurfacing strongly in the North American union of neo-conservatives, was still nothing more than a hopeful dream for the black, indigenous and Latin American minorities in the country which proclaimed itself to be the champion of human rights and a model of democracy.

22. The reality of the situation in the United States was that it was precisely members of those minorities who filled the prisons, constituted the mass of the homeless, illiterates, unemployed, and drug addicts or were doomed

to die at birth or before reaching their first birthday. Those who survived did so below the poverty line in ghettos in the richest and most powerful country in history. They were many millions who were thus discriminated against and condemned to be second-class citizens.

23. As long as apartheid, racism, chauvinism and discrimination existed in any of their forms, the Commission could not relax its efforts to achieve full implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid and other international human rights instruments.

24. Mrs. QUISUMBING (Philippines) said that her delegation regretted to note from the Working Group's report (E/CN.4/1991/10) that, despite the seemingly encouraging developments in South Africa and the pronouncement by President De Klerk of the advent of a new South Africa, the situation there remained basically unchanged. The overwhelming evidence presented to the Working Group showed that injustice, inhumanity, police brutality, torture and ill-treatment continued to dominate the day-to-day lives of the black majority in that country. The report made her delegation fear lest the pronouncement by President De Klerk might be merely cosmetic and might mislead the international community into lifting the sanctions against South Africa.

25. The continuing existence of the system of apartheid in South Africa - a crime against humanity - had been the principal cause of the instability and violence which the international community had strongly condemned year after year. Until recently, the Pretoria régime had been either unable or unwilling to take the necessary steps to stop the reported violations of human rights in that country. Her delegation was particularly concerned that children and adolescents were brutally tortured, arrested without cause, ill-treated and harassed.

26. The agreement reached between the Government of South Africa and the ANC, at the conclusion of their talks in August 1990, was very welcome as was the recent joint peace plan drawn up by Mr. Nelson Mandela and Mr. Mangosuthu Butheleze. Those events could be the first major step to hasten the negotiation of a new constitution which would guarantee the establishment of a democratic and non-racial society in South Africa.

27. The good intentions and steadfast campaign of President De Klerk to put an end to the apartheid system in South Africa were worthy of mention. However, her delegation could not yet commend the Pretoria Government, since good intentions must be translated into affirmative and practical action with concrete results.

28. Her delegation was thus concerned that there were moves by some countries to relax and even lift the sanctions they had imposed against South Africa because of President De Klerk's expressed intention of repealing the remaining legislation considered to be the pillars of apartheid. She strongly urged those countries to reconsider and to take account of the Commission's view that only total dismantling of the apartheid system and restoration of the fundamental human rights of the black majority could justify the lifting of sanctions.

29. With regard to agenda item 15, her delegation expressed its appreciation of the report by the Group of Three (E/CN.4/1991/42) and regretted that only two States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid had submitted their periodic reports. It therefore urged those States parties which had not yet submitted their reports to do so. It also called on all Member States which had not yet ratified or acceded to the Convention to do so, since such action would convince the international community of their sincere intention to comply with the United Nations sanctions against South Africa.

30. Her delegation endorsed the statement by the representative of Brazil in which he had called upon the Commission to address new forms of racial discrimination that were manifesting themselves. In that connection, she referred to the Seminar on the Political, Historical, Economic, Social and Cultural Factors Contributing to Racism, Racial Discrimination and Apartheid, held at Geneva in December 1990, at which the noteworthy observation had been made that the Programme of Action should address all forms of racial discrimination in the most practical manner possible. A serious study should be made of their political and cultural implications for that purpose.

31. Cultural imperialism had been mentioned and it had been said that the world-wide media of the technologically advanced societies all too often portrayed certain cultures as uncivilized simply because they were different. That resulted in the perpetuation of discrimination based on race, colour, or economic underdevelopment. Migrant workers, especially women, indigenous populations and minorities were among the contemporary victims of racial discrimination.

32. Mr. MARKIDES (Cyprus) said that his Government had repeatedly expressed its grave disquiet about the repression in South Africa and the denial of the basic human rights of the black majority there. It had also condemned the policy of Bantustanization, that mockery of the right to self-determination. It was in favour of a peaceful elimination of apartheid and the transformation of South Africa into a non-racial, democratic and unified society in which all its people enjoyed equal rights without any discrimination based on colour or race.

33. The independence of Namibia and the release of political prisoners, especially of Nelson Mandela, almost a year previously had constituted a significant contribution to the reduction of tensions in southern Africa, but it had been too little and too late, and the system of apartheid was still in place. It was therefore imperative that Mr. De Klerk actually implement his declared intention of totally dismantling South Africa's racist policies.

34. His delegation welcomed the decision to repeal the Land Acts of 1913 and 1936, which had set aside most of the country's land for the white minority, the Group Areas Act of 1966 mandating racial segration of the black majority and the Black Communities Act of 1984, which had entrenched the separate status of the black townships. Once those three pillars of apartheid had been removed, an important step would have been taken towards its eradication.

35. His Government acknowledged the significance of the fact that talks had commenced between the ANC and the South African Government and hoped that they would proceed in a more positive and speedy fashion. The ANC's statement that it intended to suspend all armed action had also been an important development.

36. His delegation praised the spirit of conciliation and the desire for peace that had been displayed, particularly by the black leaders, who, despite the bitter experience of injustice and oppression, had pledged themselves to the peaceful eradication of all vestiges of the apartheid system and to its replacement by a non-racial and democratic society. It commended Mr. Mandela and the Zulu Chief Buthelezi on their courage in putting aside their political differences, which had led to violence and hatred between blacks, so as to avoid further bloodshed and unify the people of South Africa. In that context, it regretted the involvement of South Africa's security forces in the inter-ethnic clashes among the black population.

37. While recent developments in South Africa had been positive, many important obstacles still remained. For instance, Nelson Mandela, while congratulating Mr. De Klerk on his announced intention to repeal the fundamental laws of apartheid, had regretted Mr. De Klerk's silence on the fate of the prisoners and exiled politicians, and had pointed out that the South African President had not mentioned the prospect of a transitional Government or an assembly elected by universal suffrage.

38. His delegation had always maintained that apartheid could not be reformed; it must be eradicated once and for all because it was a disgrace to humanity. Until that had happened, the international community must not lower its guard. It would be premature to lift sanctions at any stage before apartheid had been completely abolished.

39. His delegation joined with others to urge the South African Government to authorize the Ad Hoc Working Group of Experts on southern Africa to visit the country and investigate the human rights situation on the spot. It was most concerned at the South African régime's treatment of children and adolescents and the involvement of the security forces in crimes against children at a time when the world was celebrating the adoption of the Convention on the Rights of the Child. It therefore strongly supported the Working Party's recommendation (E/CN.4/1991/10, para. 262) that the situation of black farm workers and black children employed in agricultural enterprises should be closely monitored.

40. Mr. CALOVSKI (Yugoslavia) said that the efforts to eradicate apartheid, which had been a top priority of the international community for many years, were beginning to bear fruit. The process of change in South Africa had become irreversible. The Commission had made a truly important contribution in that area and must pursue its activities.

41. He noted with satisfaction that the South African President had lived up to the promises he had made in 1990, thereby strengthening the hope that the further measures he had announced a week previously might indeed be implemented.

42. It was agreed that apartheid could not be reformed; it must be abolished. The documents before the Commission made it clear that the international community should continue to insist on that objective and on the establishment of a free, non-racial and democratic South Africa. He was convinced that the sanctions against South Africa and the pressure of the entire international community had contributed to the current positive changes.

43. He commended the efforts of the Ad Hoc Working Group of Experts on southern Africa, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid.

44. It was regrettable that the Group of Three had been compelled to propose biennial meetings in the future because of the small number of State reports submitted under article VII of the Convention, 180 reports being overdue and 35 States parties having submitted no report at all. Furthermore, only 88 States had so far become parties to the Convention.

45. Those figures were most alarming and his delegation urged that the advisory services of the Centre for Human Rights be strengthened so as to enable the Centre to assist States parties in the fulfilment of their reporting obligations. It hoped that all countries which had not yet ratified or acceded to the Convention would do so. Yugoslavia had been among the first countries to ratify the Convention, and its most recent report had been considered by the Group of Three in January 1989.

46. Mr. WALKER (Australia) said that his Government, together with those of its Commonwealth partners, had taken a determined and prominent stand against apartheid, including the imposition of sanctions.

47. His Government had welcomed the new measures recently announced by President De Klerk which signalled the imminent repeal of the remaining legislative pillars of apartheid, apart from the Constitution. While Mr. De Klerk's speech had not addressed some still unresolved questions relating to the return of exiles and the release of political prisoners, and had not gone as far as might be hoped in other respects - including the repeal of repressive security legislation and possible arrangements for an interim Government - there was no doubt that it did constitute a major milestone on the road to the elimination of apartheid.

48. Sadly, however, human rights abuses continued in South Africa, as documented in the report of the Working Group (E/CN.4/1991/10) and the comments of several non-governmental organizations, such as Amnesty International. The reports of ill-treatment and torture of detainees were of continuing concern. It was estimated that 150 persons were currently detained under oppressive security laws.

49. At the start of the current session of the Commission, the South African Government had so far granted permanent indemnity only to exiles who had left the country illegally. Those returning under such an arrangement had to ensure that they did not require indemnity for other offences. There had been reports of exiles who had sought to return in 1990 and had subsequently been arrested, while others had been forced to go into hiding.

50. Another serious problem was the level of violence. During the 12 months ending in October 1990, 3,038 persons had reportedly died in political violence, three times the number of the previous year. Apart from the tragic loss of life, the killing, if it continued, could well undermine the fragile trust between the races which was essential for successful negotiations.

While no side was completely blameless, there was evidence that elements within the security forces had exploited the situation, orchestrating specific incidents and provoking trouble. The South African Government must discipline and control its forces.

51. There was thus a long way to go in South Africa before international scrutiny could be relaxed. The preliminary obstacles must be removed and the process must move on to its critical phase, namely, negotiations on a new, democratic, non-discriminatory constitution.

52. The time had come for the international community to review systematically the measures which it had adopted against South Africa and which had unquestionably been effective. It was necessary to consider how the sanctions régime could best be adjusted as further progress was made. Practical encouragement should be given to those who were genuinely working for a new South Africa - a multiracial, democratic society based on social justice and freedom for all.

53. He had taken note of the caution expressed by several delegations during the debate. His Government would continue to consult closely with representative groups within South Africa and with its Commonwealth partners concerning the pace and direction of change in South Africa, and would also increase its dialogue with the De Klerk Government.

54. As the end of the Second Decade to Combat Racism and Racial Discrimination approached, it would be timely to consider how United Nations efforts to end racial discrimination could be strengthened. The United Nations, through the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), had played an important role in promoting the belief that discrimination on the grounds of race was unacceptable. Nevertheless, racial prejudice and discrimination continued to exist in virtually all societies. While legislation in that area was necessary, it was not sufficient. The process of education and overcoming the ignorance and suspicion which underlay racist attitudes should be further developed.

55. As a party to CERD, his country sought to meet its international obligations through the Racial Discrimination Act of 1975. Within the Australian Human Rights and Equal Opportunity Commission, a Race Discrimination Commissioner endeavoured to promote positive changes not only in public attitudes towards aboriginal peoples and persons from non-English-speaking backgrounds, but also in the treatment which such persons received in Australian society. Community education was central to each dimension of work in the area of racial discrimination.

56. Mr. CHABALA (Zambia) said that, since the Commission's previous session, the people of Namibia had won its independence after a long and costly struggle against South Africa's illegal occupation of the Territory. The independence of Namibia had been the product of the vigilance and self-sacrifice of its people and the relentless pressure of the international community on South Africa. It served to demonstrate what could be accomplished by concerted and co-ordinated international actions.

57. It was evident that international pressure had contributed significantly to the progress achieved over the past year with regard to the abolition of apartheid. Together with the unrelenting struggle of the oppressed people of South Africa, it had compelled the South African régime to undertake the measures so far adopted and those announced the previous week.

58. Those measures, and the declarations of intent by the South African régime, were indeed positive and commendable. They manifested a new willingness to create the conditions for an atmosphere conducive to a negotiated settlement, as stipulated in the Declaration on Apartheid and Its Destructive Consequences in Southern Africa.

59. It was only to be expected that assessments of the new measures and announced intentions would vary. Hence the measures might appear significant if they were viewed in relation to the period prior to February 1990. In that light, they might even suggest a genuine commitment to dismantling apartheid. At the same time, in relation to the task at hand, the impact of the new measures might be quite modest. That was the assessment reflected in the Working Group's report (E/CN.4/1991/10, para. 246).

60. The conclusions of the Working Group were supported by overwhelming evidence of serious human rights violations in South Africa, despite the current reform initiatives. Most of the provisions of the Universal Declaration of Human Rights and the two International Covenants on Human Rights continued to be violated, because the policy of apartheid was still intact.

61. The Working Group had, of course, reached its conclusions before the recent announcement by President De Klerk of the forthcoming repeal of the Land Acts. In that connection, it was interesting to note the opinion expressed (para. 248) that such a reform, which would allow the black population to purchase agricultural land throughout the country, would not constitute a step forward unless it was accompanied by other corrective measures or affirmative action to abolish the previous system of exploitation.

62. His delegation shared that view, because the purchase and development of land required substantial funds which were beyond the capacity of the black population, and also because, as recognized by the International Covenant on Economic, Social and Cultural Rights, political and civil rights could be exercised effectively only under conditions of material, social and cultural security. For the poor, the right to own property was as empty as the right to participate in the cultural life of the community, both of them being rights which were affirmed by the Universal Declaration of Human Rights.

63. Much remained to be done to create the necessary climate for negotiations. All legislation which restricted political activity, such as the Internal Security Act, must be repealed. All political prisoners and detainees must be released unconditionally and the exiles must be allowed to return. Moreover, torture, political trials and capital punishment for political acts must cease. Right-wing paramilitary units involving elements of the South African police and security forces, which were intent on making the country ungovernable and violently resisting President De Klerk's reforms, must be banned. It was also the primary responsibility of the South African régime to end the assassinations of anti-apartheid activists for which officials of the régime had been held responsible.

64. In addition, there were still numerous restrictions on the freedom of the press and freedom of expression. Black workers were still denied basic trade-union rights. Children and young people were subjected to arrest, torture and harassment.

65. With regard to the so-called black-on-black violence, the evidence showed that it was based on ideological rather than tribal considerations, and that in certain cases, it had been incited or organized by right-wing elements. He welcomed the recent meetings between ANC, PAC and Inkatha, which should enhance the just struggle of those organizations against their common enemy.

66. The international community must continue its pressure on the South African régime, in order to ensure the total abolition of apartheid. It would be premature to lift sanctions before there had been clear evidence of profound and irreversible change.

67. It was ironic that, among the States advocating the early lifting of sanctions were those which, in the case of the Gulf crisis, had championed the imposition of comprehensive and mandatory sanctions. That was yet another example of a double standard, for if the same standards were applied universally, comprehensive and mandatory sanctions would have been imposed on South Africa long ago and the apartheid system would have been eliminated.

68. He endorsed all the conclusions and recommendations of the Working Group and commended them for adoption by the Commission. He also stressed the significance of the International Convention on the Supression and Punishment of the Crime of Apartheid, and appealed to those Member States which had not yet ratified the Convention to do so.

69. Lastly, he commended the Sub-Commission's Special Rapporteur on his report (E/CN.4/Sub.2/1990/13 and Add.1). The front-line States had consistently, and at tremendous cost, undertaken efforts to reduce their dependence on South Africa. To that end, they had established the Southern African Development Co-ordination Conference. His delegation called upon the international community to render all possible assistance to those States in that regard.

70. Mr. BENHIMA (Morocco) said that, for many years, the international community had been condemning the crimes perpetrated against South Africa's black majority, which had no choice but to continue its struggle to achieve equality. His delegation was pleased that President De Klerk had decided to release a number of black leaders and to allow anti-apartheid organizations to exist. It also welcomed the announcement on 1 February 1991 that three pillars of the apartheid system, namely, the Land Acts, the Group Areas Act and the Population Registration Act were to be repealed. International pressure must continue to be brought to bear, however, until apartheid was completely eradicated.

71. Despite the positive developments, the Working Group had pointed out in its report (E/CN.4/1991/10) that the overall situation in South Africa had, in fact, deteriorated. It was necessary not only to repeal racist laws, but also to draft new legislation to punish racial discrimination.

72. Strife between political groups would only harm the black population's struggle to achieve its goals. His delegation was pleased, therefore, that the leaders of the two major organizations struggling against apartheid had agreed to put an end to the violence between their groups. It also noted with satisfaction that talks had begun between the South African Government and the ANC. It was to be hoped that such talks could help create a foundation for democracy and equality, which must be enshrined in a new constitution.

73. His Government was in favour of maintaining sanctions against South Africa to limit its ability to violate human rights. Such measures must remain in place until apartheid was completely eradicated.

74. The United Nations must continue its efforts to alert world public opinion to the need to combat racial discrimination, and to that end, all States must support the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

75. Ms. SINEGIORGIS (Ethiopia) said that, despite the Commission's ceaseless efforts for more than 20 years to put an end to the sufferings of the people of South Africa, the Working Group's report (E/CN.4/1991/10) clearly indicated that the overall human rights situation had not changed significantly and continued to be marked by arbitrary detentions and arrests and unjustified restrictions on political and civil rights. The right to express one's opinion freely, to organize and hold demonstrations and to move from one area to another were still being violated.

76. Racial discrimination still persisted, especially in such areas as health, education and residential and land ownership. The Separate Amenities Act - which had been officially repealed in October 1990 - was, in a sense, still enforced by local authorities, which, by imposing prohibitive fees, denied non-resident blacks access to such public facilities as swimming pools, libraries and resort centres.

77. The agreement reached between the ANC and the South African Government on guidelines for a phased release of political prisoners and the speedy return of exiled persons had not yet been fully implemented. Thousands of black political activists and supporters of South African liberation movements, especially those detained during the political protests against apartheid in 1985, were still languishing in prison. Her delegation called upon the Government of South Africa to implement in full the provisions agreed upon in the guidelines with a view to expediting the release of political prisoners and the speedy return of exiled persons to their homeland.

78. Her delegation added its voice to those which had welcomed President De Klerk's declaration on 1 February 1991 that all discriminatory laws would be repealed within a few months. It must be acknowledged that that latest move added a fresh impetus to the process he had initiated in 1990. If that declaration of intent was adopted and implemented, the cornerstones of apartheid would be knocked away.

79. Encouraging as those moves might be, they must be followed up by such concrete steps as the release of all political prisoners, the return of all exiled persons and the repeal of repressive legislation, such as the Internal

Security Act. The international community must not ease economic sanctions and political pressure until the process of change had reached an irreversible stage.

80. In the past few months, reports from South Africa regarding clashes involving supporters of the ANC and members of Inkatha had been a cause for concern, and her delegation therefore welcomed the recent plea for peace issued by Mr. Mandela and Chief Buthelezi on 21 January 1991, and the pledge to put an end to the fratricidal conflict. That was a very constructive step at the current critical stage of the struggle to build a united and democratic South Africa.

81. Her Government would continue its unwavering support for the fight against apartheid, and her delegation once again called upon the Commission to step up its mobilization of world public opinion to work towards the complete dismantling of that iniquitous system.

82. Mr. ALIM (Observer for Sudan) said that, as a multiracial society, his country expressed its solidarity with the victims of apartheid in South Africa and emphasized the growing international concern about the issue. Although his delegation welcomed the release of Nelson Mandela and the independence of Namibia, the apartheid system could not be reformed, but must be eradicated.

83. His delegation paid tribute to the black liberation movements and the freedom fighters of the black majority, and appealed to all peace-loving countries to continue to give them their support.

84. The position of the African countries had been clearly stated in the 1989 Harare Declaration calling for an end to apartheid and the start of negotiations to establish a unified, non-racial democratic State of South Africa in which all citizens enjoyed the same fundamental rights, regardless of race, colour or sex.

85. The United Nations Declaration on Apartheid and Its Destructive Consequences in Southern Africa was an expression of the international community's determination to eradicate apartheid, as was the International Convention on the Suppression and Punishment of the Crime of Apartheid, which Sudan had been one of the first countries to sign.

86. It was essential to maintain sanctions and diplomatic pressure until apartheid was eradicated. His delegation deplored the co-operation given to the South African Government by the transnational corporations. Lastly, it endorsed the conclusions contained in the Working Group's report (E/CN.4/1991/10 paras. 229-261).

87. Mrs. LYAGOUBI-OUAHCHI (Observer for Tunisia) said that her delegation welcomed the announcement by the Government of South Africa on 1 February 1991 that it intended to abolish certain of the legal foundations of the system of apartheid, because those changes might well lead to the total and irreversible dismantling of the apartheid system. In order to be credible, however, the planned reforms must be pursued and enlarged so that a real dialogue could begin.

88. However encouraging they might be, those limited measures were aimed at helping South Africa to overcome its isolation. The report of the Secretary-General on the torture and inhuman treatment of children in detention in South Africa (E/CN.4/1991/9) and the final report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1991/10) showed that the human rights situation in South Africa had changed very little over the past year. The state of emergency and the curfew were still in effect in a number of provinces, and section 29 of the Internal Security Act, which allowed detention without a court sentence, remained in force. Torture and other forms of mistreatment were still common.

89. Following the decision by the ANC to suspend the armed struggle, a number of acts of violence had been committed over the past year with the complicity of the police or with the participation of whites or members of the security forces, which had then been attributed to confrontations within the black population.

90. The report of the Group of Three (E/CN.4/1991/42) had again noted that the crime of apartheid was a form of genocide and had recommended that the Commission give expression to that fact in its relevant resolutions.

91. While noting that limited progress had been made in South Africa with regard to transnational corporations that continued to collaborate with the racist minority régime, the Group of Three had reiterated its conviction that the maintaining of comprehensive and mandatory sanctions and other forms of pressure was an important and effective means available to the international community for putting an end to the apartheid system.

92. Not all political prisoners had been released, nor had all South African refugees and exiled persons been repatriated, their numbers being estimated at around 40,000. The recent measures adopted by the Government of South Africa applied only to those who had left the country without permission.

93. The announcement of a partial dismantling of apartheid did not yet justify a relaxation of the pressure being brought to bear by the international community. Other concrete measures must first be adopted, in particular with regard to land, which continued to be almost exclusively in the hands of the white minority.

94. The eradication of apartheid would not be effective until racial equality was written into the Constitution, and that meant the abolition of all racist laws, the adoption of majority rule, the acceptance of the principle "one man, one vote", the creation of a constituent assembly and the formation of an interim Government.

95. The implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination continued to be an appropriate framework for alerting public opinion and accentuating pressure until the day that the majority fully exercised its civil and political rights and freely and sovereignly determined its economic, social and cultural forms of development.

96. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) said that his delegation associated itself with the previous speakers who had stressed the need for extreme caution about the South African régime's recent statements and actions. The world community must not give credence to vague promises but must remain vigilant until the system of apartheid in South Africa had been completely dismantled. There were good grounds for such caution: the South African authorities had refused to co-operate with the United Nations, one instance being their refusal to allow the Working Group to visit South Africa, on the pretext that the time was not opportune.

97. It was clear from the Working Group's final report (E/CN.4/1991/10) that the main pillars of apartheid were still in place: the Population Registration Act, Group Areas Act and Land Acts remained in force, and the police still wielded excessive power and freedom. As noted in paragraph 246 of the report, the situation in South Africa had remained unchanged or had become worse than before; and paragraphs 213-228, in particular, contained testimony to the régime's brutal excesses.

98. His delegation fully endorsed the Working Group's conclusions and recommendations (paras. 229-262). It also reaffirmed the need to maintain an economic embargo against South Africa. That action had already compelled the South African régime to acknowledge that the world community found its policies and practices intolerable; his delegation therefore deplored the efforts of certain States to avoid compliance with the international call for sanctions. The Sub-Commission's Special Rapporteur and the Group of Three should be invited to continue their work.

99. Racism and racial discrimination constituted a scourge denounced by both divine law and international law, and was at variance with the principles of human dignity and equality enshrined in the Charter, as recognized by the General Assembly in declaring programmes and actions for the First and Second Decades to Combat Racism and Racial Discrimination. His delegation supported the Programme of Action for the Second Decade, and the co-ordinated work being carried out in that regard by UNESCO and other specialized agencies.

100. Lastly, his delegation welcomed the observer delegation of Namibia, and expressed its appreciation of the work of the Under-Secretary-General for Human Rights.

101. Mr. IMADI (Observer for the Syrian Arab Republic) said that his delegation, too, was grateful for the work done by the Under-Secretary-General for Human Rights and the Ad Hoc Working Group of Experts on southern Africa.

102. Despite Mr. Nelson Mandela's welcome release and President De Klerk's latest statement about measures aimed at demolishing the pillars of apartheid, the Working Group's report (E/CN.4/1991/10) showed that injustice and oppression remained the lot of South Africa's black majority. The world community must not be too hasty, therefore, in relaxing pressure on the South African régime. As the Sub-Commission's Special Rapporteur had said, sanctions should be maintained.

103. Discrimination on grounds of race or religion was a violation of human rights. Countries which practised it should be boycotted, since collaboration only enabled such violation to be continued. Although the pressure hitherto exerted on the South African régime had been minimal, it had led to the South African Government's realization that its policies could not continue unchecked.

104. It should be noted in that regard, however, that the announcement of major steps had been followed by the implementation of only a few minor ones, and that power remained firmly in the hands of the white minority. There could be no relaxation, therefore, until South Africa had been transformed into a country free from racial discrimination - and that was possible only when the current régime had been eliminated.

105. The political upheavals of the past year showed that all countries must be more resolute in condemning oppression and supporting the right to self-determination. Nor should the international community overlook certain racist practices by some countries in furtherance of their own policies, which could lead to conflict disastrous for the entire world.

106. The international community must deal firmly with the Pretoria régime and all who aided and abetted it; in particular, it must condemn the South Africa-Israel nexus, which had not only enabled South Africa to side-step the economic embargo but had also fostered racist policies in both countries. His Government denounced the co-operation between South Africa and Israel in military matters, including nuclear capability. It reiterated its call to the international community to maintain all possible pressure on the South African régime; sanctions must continue to be applied until apartheid had been eliminated.

107. Mr. MAHIGA (Observer for the United Republic of Tanzania) said that the Commission's debate on apartheid at its previous and current sessions had been dominated by President De Klerk's sensational announcements on political reform. In recognizing the President's undoubted role as a reformer, the Commission and other international bodies should keep in mind that apartheid had to be dismantled entirely, and not merely reformed. The challenge was to push the reforms far enough to bring about a qualitatively new, non-racial and democratic order.

108. Positive as the reforms were, there were crucial gaps which must be filled. The South African Government had not fully and faithfully implemented the reforms announced in 1990; for example, the release of political prisoners was very much behind schedule, and the return of political exiles was still being hampered. Even more disturbing was the contradiction between avowed intent and the prevailing political and legal environment; for example, arbitrary arrest and indefinite detention were still possible under the Internal Security Act. The report of the Working Group (E/CN.4/1991/10) documented numerous instances of contradiction between intent and practice, and of the continuing violation of human rights in South Africa.

109. Although the recently announced reforms touched some of the pillars of apartheid, they were so couched as to be meaningful only when other related laws, such as the Homelands Act and the Bantu Education Act, were likewise repealed. Only the entire removal of such inconsistencies would confer unqualified credibility on the reform process. Apart from those in-built

rigidities, which President De Klerk's Government had to address with courage, there was also the entrenched right-wing element, whose philosophy was moribund but dangerous; the international community should send it an unequivocal message that apartheid could not be tolerated.

110. Tribute should be paid to the South African people and leaders for fighting apartheid over the years against tremendous odds. The leaders of the liberation movements had shown remarkable statesmanship in forging a united front and a commitment to peaceful transition to a democratic, non-racial united South Africa - a commitment which should be preserved and strengthened. The manner and shape of the transition process would be crucial, and timing was of the essence if both complacency and disillusionment were to be avoided.

111. To that end, the international community must continue its unanimous and constructive support in applying sanctions, which had already proved their worth and should be maintained, thus showing the world's readiness to "walk the last mile" - in Nelson Mandela's words - with the oppressed people of South Africa.

112. His delegation fully endorsed the Working Group's conclusions and recommendations (E/CN.4/1991/10, paras. 229-262), and commended them for adoption by the Commission and by the international community in general.

113. Mrs. SEMICHI (Observer for Algeria) said that a wind of optimism, and even euphoria, had been felt by the world, including the Commission, from the time that President De Klerk had made his statement concerning the opening of dialogue with the South African people's true representatives, and the release of Nelson Mandela and other political prisoners - events which formed a milestone on the long and often tragic road of South Africa's history. Nelson Mandela's return had raised hopes for a speedy end to apartheid, an evil which even the most conservative circles had been bound to denounce even if they had hitherto lacked the strength to condemn it. Hopes had been further raised by the welcome announcement of new measures and the signs that South Africa's leaders might be ready to move towards positive change.

114. Apartheid was not just, however, an attitude of discrimination on the grounds of colour; it was a system of legislation which enabled the white minority to enjoy a country's vast wealth while preventing the indigenous population's economic, political and social advancement. That was why the people affected feared that the measures announced might be merely a façade behind which the odious and criminal system of apartheid could persist. For example, the legislative changes were not sufficiently far-reaching to provide assurance of the establishment of a new society based on democracy and equal rights.

115. However that might be, the new situation had been brought about chiefly by the struggle waged for so long by the black population, the memory of whose glorious martyrs her delegation saluted. Likewise effective had been the sanctions applied against the Pretoria régime by almost all the Member States of the United Nations and by other international organizations and non-governmental organizations.

116. The reports by experts such as the Ad Hoc Working Group of Experts on southern Africa and the Sub-Commission's Special Rapporteur gave a picture of the true situation which persisted in South Africa, showing that the world's vigilance must be maintained, and even intensified, until the institution of apartheid had been completely dismantled.

117. Her delegation denounced the collusion of South Africa with Israel; the two régimes were alike in oppressing native populations, the settlements and Arab population camps of one entity having a similar effect to the ghettos and "homelands" set up by the other.

118. The United Nations had a praiseworthy record of action in the campaign against racism and racial discrimination. Action during the two successive Decades to Combat Racism and Racial Discrimination testified to the extent of that world-wide plague, seen at its worst in the situations in South Africa and occupied Palestine, but also in the way in which migrant workers were often treated in certain countries.

119. The programme of activities for the Second Decade had included a Seminar on the Political, Historical, Economic, Social and Cultural Factors Contributing to Racism, Racial Discrimination and Apartheid, held at Geneva in December 1990. Her delegation expressed its appreciation of the work by the Under-Secretary-General and the Centre for Human Rights in that regard and for the many expert contributions to that Seminar.

120. The resolutions adopted at the Seminar had shown that education and improved dissemination of information about the evil consequences of racism were regarded as the main basis for action, and that the existing United Nations monitoring mechanisms, under the relevant international conventions, should be strengthened.

121. Mrs. KIRONGOZI (Observer for Zaire) said that, despite the changes in the apartheid system since President De Klerk's statement in February 1990, and the measures adopted by the South African Government in response to the international community's expections, the final report of the Working Group (E/CN.4/1991/10) showed that the situation remained unchanged in many respects and still gave cause for alarm.

122. Her delegation welcomed the agreement reached between Mr. Nelson Mandela and Chief Buthelezi which, it hoped, would put an end to the fratricidal conflict fostered by the system of ethnic classification and "Bantustanization" and exploited by the white extremists in order to delay reforms and prevent the emergence of a black national consciousness.

123. Her delegation endorsed most of the recommendations contained in the Working Group's report (E/CN.4/1991/10, para. 262) while placing its trust in the De Klerk Government, which had had the courage to begin the process towards a negotiated settlement. Namibia's accession to independence had proved that the South African Government was capable of making concessions, despite the threat from conservative quarters.

124. Her delegation welcomed the direct negotiations undertaken between the South African leadership and the black representatives, which it hoped would help to speed up the dismantling of the apartheid system, and reaffirmed its support for the black majority's struggle to achieve equality of rights with the white minority.

125. It was the duty of all Member States to assist President De Klerk in taking the last decisive steps to dismantle apartheid and establish democratic, multi-racial government in South Africa. They must do so by creating a favourable climate for negotiation and taking the steps provided for in the Declaration on Apartheid and Its Destructive Consequences in Southern Africa, while maintaining the necessary pressure.

126. Her delegation fully endorsed the international initiatives, particularly within the United Nations, aimed at a political solution to the problem in South Africa. It was still convinced that a political approach was the best, by means of dialogue involving all the component parts of the South African nation.

127. With regard to Namibia, Zaire appealed to the world community to provide that young State with all the requisite support to enable it to consolidate its independence and establish its democratic institutions.

128. Her delegation also supported all activities for the Second Decade to Combat Racism and Racial Discrimination.

The meeting rose at 6 p.m.